



General Assembly

February Session, 2000

Amendment

LCO No. 5105

Offered by:

REP. GERRATANA, 23rd Dist.

REP. WARD, 86th Dist.

REP. MATTIELLO, 65th Dist.

REP. BOUCHER, 143rd Dist

SEN. COOK, 18th Dist.

REP. THOMPSON, 13th Dist.

SEN. HANDLEY, 4th Dist.

To: House Bill No. 5778

File No. 562

Cal. No. 420

"An Act Providing Work Incentives For Persons With Disabilities."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (a) The Department of Social Services shall
4 establish and implement a working persons with disabilities program
5 to provide medical assistance as authorized under Section 201 (a)(1) of
6 Public Law 106-170, as amended from time to time, to persons who are
7 disabled and regularly employed.

8 (b) The Commissioner of Social Services shall amend the Medicaid
9 state plan to allow persons specified in subsection (a) of this section to
10 qualify for medical assistance. The amendment shall include the
11 following requirements: (1) That the person be engaged in a
12 substantial and reasonable work effort as determined by the
13 commissioner and as permitted by federal law and have an annual

14 adjusted gross income, as defined in Section 62 of the Internal Revenue
15 Code of 1986, or any subsequent corresponding internal revenue code
16 of the United States, as amended from time to time, of no more than
17 seventy-five thousand dollars per year; (2) a disregard of all countable
18 income up to two hundred per cent of the federal poverty level; (3) for
19 an unmarried person, an asset limit of ten thousand dollars, and for a
20 married couple, an asset limit of fifteen thousand dollars; (4) a
21 disregard of any retirement and medical savings accounts established
22 pursuant to 26 USC 220 and held by either the person or the person's
23 spouse; (5) a disregard of any moneys in accounts designated by the
24 person or the person's spouse for the purpose of purchasing goods or
25 services that will increase the employability of such person, subject to
26 approval by the commissioner; (6) a disregard of spousal income solely
27 for purposes of determination of eligibility; and (7) a contribution of
28 any countable income of the person or the person's spouse which
29 exceeds two hundred per cent of the federal poverty level, as adjusted
30 for the appropriate family size, equal to ten per cent of the excess
31 minus any premiums paid from income for health insurance by any
32 family member, but which does not exceed the maximum contribution
33 allowable under Section 201 (a) (3) of Public Law 106-170, as amended
34 from time to time.

35 (c) The Commissioner of Social Services shall implement the policies
36 and procedures necessary to carry out the provisions of this section
37 while in the process of adopting such policies and procedures in
38 regulation form, provided notice of intent to adopt the regulations is
39 published in the Connecticut Law Journal within twenty days after
40 implementation. The commissioner shall define "countable income" for
41 purposes of subsection (b) of this section which shall take into account
42 impairment-related work expenses as defined in the Social Security
43 Act. Such policies and procedures shall be valid until the time final
44 regulations are effective.

45 Sec. 2. Section 17b-605 of the general statutes is repealed and the
46 following is substituted in lieu thereof:

47 (a) The Commissioner of Social Services shall develop and
48 implement a personal care assistance program for persons with severe
49 physical disabilities who are employed or are likely to become
50 employed within six months. For the purposes of this section, "a
51 person with a severe physical disability" means a person who has a
52 record of a severe physical impairment, either congenital or acquired,
53 which is expected to continue indefinitely and limits one or more
54 major life activities, including self care, and who is able to supervise a
55 personal care assistant; and "personal care assistance" means services
56 necessary for self care which a person is unable to perform, including,
57 but not limited to, assistance with bathing, bowel or bladder care,
58 dressing, personal grooming, moving in and out of bed, preparation
59 and consumption of food, and other services defined by regulations
60 adopted pursuant to subsection (c) of this section.

61 (b) Subsidies shall be made, within available appropriations, to
62 persons determined eligible, for the purpose of employing personal
63 care assistants, except that persons eligible for benefits under section 1
64 of this act and section 17b-605a, as amended by this act, shall only be
65 eligible for such subsidies if the commissioner does not receive
66 approval of the amendment to the waiver required under subsection
67 (b) of section 17b-605a, as amended by this act. An eligible person shall
68 receive up to a maximum of fifteen thousand dollars per year.

69 (c) The commissioner shall adopt regulations in accordance with
70 chapter 54 to implement the program. The regulations shall establish
71 financial and other eligibility standards for participation in the
72 program, including family income eligibility standards, and shall
73 establish criteria for funding. Any person needing personal care
74 assistance who is (1) employed at the time of application for personal
75 care assistance or (2) likely to become employed within six months,
76 and demonstrates a need for personal care assistance services, shall be
77 eligible for participation in the program, but an unemployed person
78 described in subdivision (2) of this subsection may not receive
79 personal care assistance for more than six months in a consecutive
80 three-year period.

81 (d) If personal care subsidies cannot be provided to all eligible
82 persons because of insufficient appropriations, the commissioner shall:
83 (1) Promptly notify the Governor, the General Assembly and the Office
84 of Protection and Advocacy for Persons with Disabilities, (2) provide
85 subsidies to employed persons first.

86 (e) The commissioner shall establish a subcommittee of the
87 [Consumer Advisory Council on Disability Services] Connecticut
88 Council for Persons with Disabilities for the personal care assistance
89 program. The majority of the members of the subcommittee shall be
90 persons who use personal care assistance services. The subcommittee
91 shall meet regularly to: (1) Assess the personal care assistance needs of
92 physically disabled persons in the state, including the progress and
93 accomplishments of the personal care assistance program in meeting
94 such needs, (2) advise the commissioner on the operation of the
95 personal care assistance program, and (3) recommend to the
96 commissioner an annual budget request and recommend to the
97 commissioner, the Governor and the General Assembly legislation to
98 improve personal care assistance services to persons with severe
99 physical disabilities.

100 Sec. 3. Section 17b-605a of the general statutes is repealed and the
101 following is substituted in lieu thereof:

102 (a) The Commissioner of Social Services shall seek a waiver from
103 federal law to establish a personal care assistance program for persons
104 ages eighteen through sixty-four with disabilities funded under the
105 Medicaid program. Such a program shall be limited to a specified
106 number of slots available for eligible program recipients and shall be
107 operated by the Department of Social Services within available
108 appropriations. Such a waiver shall be submitted to the joint standing
109 committees [with] of the General Assembly having cognizance of
110 matters relating to appropriations and the budgets of state agencies
111 and human services in accordance with section 17b-8 no later than
112 January 1, 1996.

113 **(b) The Commissioner of Social Services shall amend the waiver**
114 **specified in subsection (a) of this section to enable persons eligible for**
115 **or receiving medical assistance under section 1 of this act to receive**
116 **personal care assistance. Such amendment shall not be subject to the**
117 **provisions of section 17b-8 provided such amendment shall consist**
118 **only of modifications necessary to extend personal care assistance to**
119 **such persons.**

120 Sec. 4. (NEW) The Commissioner of Social Services shall seek a
121 waiver from federal law to permit a person participating in the
122 program established under section 1 of this act to remain eligible for
123 medical assistance under the Medicaid program in the event such
124 person is unable to maintain a work effort for involuntary reasons. No
125 such person shall be required to make another application to
126 determine continued eligibility for medical assistance under the
127 Medicaid program. In order to remain eligible for such medical
128 assistance, such person shall (1) request that such assistance be
129 continued for a period not to exceed twelve months from the date of
130 the involuntary loss of employment, and (2) maintain a connection to
131 the workforce as determined by the commissioner during such period.
132 At the end of the twelve-month period, such person shall meet the
133 eligibility criteria for the Medicaid program, except that the
134 commissioner shall disregard any assets specified in subdivisions (4)
135 and (5) of subsection (b) of section 1 of this act.

136 Sec. 5. (NEW) The Commissioner of Social Services shall cooperate
137 with the Commissioner of the Social Security Administration with
138 regard to any demonstration projects or experiments which the
139 Commissioner of the Social Security Administration is authorized to
140 operate in accordance with Title III of Public Law 106-170, as amended
141 from time to time.

142 Sec. 6. (NEW) (a) The Commissioner of Social Services, within
143 available appropriations, may establish and operate a community-
144 based services program for persons with disabilities (1) who are
145 between the ages of eighteen and sixty-four years, and (2) who meet

146 the eligibility requirements specified in sections 17b-4(a)-1 to 17b-4(a)-
147 6, inclusive, of the Regulations of Connecticut State Agencies. Such
148 eligibility requirements with respect to income and assets shall not
149 apply to persons eligible for medical assistance under section 1 of this
150 act who were receiving community-based services on October 1, 2000.

151 (b) The Commissioner of Social Services shall determine whether a
152 person eligible for medical assistance under section 1 of this act who is
153 receiving community-based services on October 1, 2000, is eligible for
154 personal care assistance under section 17b-605a of the general statutes,
155 as amended by this act. Such person shall not qualify for community-
156 based services in the event such person is enrolled in the personal care
157 assistance program at the time such person is disqualified from
158 receiving community-based services.

159 (c) The Commissioner of Social Services shall implement the policies
160 and procedures necessary to carry out the provisions of subsection (a)
161 of this section while in the process of adopting such policies and
162 procedures in regulation form, provided notice of intent to adopt the
163 regulations is published in the Connecticut Law Journal within twenty
164 days after implementation. Such policies and procedures shall be valid
165 until the time final regulations are effective.

166 Sec. 7. (a) Not later than July 1, 2001, the Commissioner of Social
167 Services shall submit an interim report to the joint standing
168 committees of the General Assembly having cognizance of matters
169 relating to human services and appropriations and the budgets of state
170 agencies with respect to: (1) The number of persons receiving
171 assistance under the working persons with disabilities program
172 established pursuant to section 1 of this act; (2) the number of persons
173 receiving personal care assistance under section 17b-605a of the
174 general statutes, as amended by this act, who are also receiving
175 assistance under the working persons with disabilities program; (3) the
176 number of persons who transfer from the community-based services
177 program for persons with disabilities established pursuant to section 6
178 of this act to the personal care assistance program established pursuant

179 to section 17b-605a of the general statutes, as amended by this act; (4)
180 persons receiving assistance under the working persons with
181 disabilities program, the type of jobs held, the number of hours
182 worked per week, salaries or earnings, the availability of employer-
183 sponsored health insurance and the number of persons who are unable
184 to maintain a work effort for involuntary reasons; and (5) the
185 feasibility of establishing any additional programs or providing
186 additional services as authorized by Public Law 106-170, as amended
187 from time to time.

188 (b) Not later than July 1, 2003, the Commissioner of Social Services
189 shall submit a final report to said committees."